



VIA EMAIL

July 8, 2020

MuckRock News
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Dear MuckRock News:

This letter is in response to a request for information received by the City of Bryan on July 6, 2020, which asks for a copy of the following:

“All current policies maintained by the department regarding use of force.”


Please find attached the records responsive to your request.

We now consider this request closed.

Sincerely,

Becky M. Aldridge
Records Management Coordinator

Enclosures

BRYAN POLICE DEPARTMENT GENERAL ORDER	REVISION DATE June 10, 2020	NUMBER 01-05.13		
CATEGORY Law Enforcement Role, Responsibility, & Relationships	INDEXED AS Deadly Force Force Less Lethal Weapons Taser Use of Force	CALEA	TBP	
SUBJECT Use of Force		1.2.2	4.3.1	3.02
		4.1.1	4.3.2	3.04
AUTHORIZING SIGNATURE 		4.1.2	4.3.3	6.01
		4.1.3	4.3.4	6.02
		4.1.4		6.03
		4.1.5		6.06
		4.2.1		6.07
		4.2.2		6.08
		4.2.3		6.09
	4.2.4		8.07	

I. PURPOSE

The purpose of this directive is to provide guidelines on the use of less-lethal and deadly force and procedures for reporting and investigating such uses.

II. DEFINITIONS

Bodily Injury – physical pain, illness, or any impairment of physical condition..

Cover officer – A police officer providing protective cover for another officer with their duty firearm or shotgun loaded with standard issue conventional ammunition.

Deadly force – Force intended to cause death or serious bodily injury or that a reasonable and prudent person would consider likely to cause death or serious bodily injury.

Extended range impact weapons (ERI weapons) – Weapon systems designed to utilize impact projectiles for the purpose of stopping, controlling, and restraining individuals. These systems pose less risk to the individual on whom they are deployed and present less risk to the officer and any nearby persons. For the purpose of this policy ERI weapons are not considered firearms.

Immediate – Instantaneous; not deferred by any interval of time.

Immediately necessary – That which is required at the point in time of the use of force.

Impact projectiles – Projectiles fired from less-lethal weapons to incapacitate a subject with a minimal potential for causing death or serious physical injury when compared to conventional firearm projectiles. Examples of impact projectiles include pepper balls, bean bag rounds, gas, and rubber and wooden projectiles.

Less-lethal weapons – Devices designed to be used by police officers to stop, control, and/or restrain individuals with a lower probability of producing fatal results than deadly force to the individual as well as the officer and any nearby persons. Authorized less-lethal weapons include taser, pepper spray, pepper balls, batons, bean bag, wooden and rubber projectiles. Officers may only use less lethal weapons authorized by the Bryan Police Department. [\(4.1.4\)](#) [\(4.3.1a\)](#) [\(3.04\)](#)

Low Ready – A firearm handling position in which the weapon is pointed toward but off of the intended target and below the plane on which the target rests. In the low ready position the trigger finger is indexed outside the trigger guard.

On Target – A firearm handling position in which the weapon is pointed directly at the intended target.

Reasonable Belief – a belief that would be held by an ordinary and prudent man in the same circumstances as the actor.

Reckless – With respect to circumstances surrounding the officer's conduct or the result of the officer's conduct, when the officer is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary and prudent peace officer would exercise under all the circumstances as viewed from the officer's standpoint.

Serious Bodily Injury – bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sul Position – A firearm handling position in which the weapon is pointed directly at the ground in front of the officer and held closely to the body. In sul position the trigger finger is indexed outside the trigger guard.

Taser – An electronic control device which utilizes electrical stimulation to create neuromuscular incapacitation.

III. POLICY

Although use of force is permitted by law under specified circumstances and a police officer is required to exercise force under certain circumstances, the unnecessary use of force is contrary to law. It places the representative government agency in a position of civil liability and the officer in jeopardy of civil and criminal liability. Under no circumstances will the force used be greater than reasonable to achieve lawful objectives. [\(4.1.1\)](#) It shall be the duty of every sworn employee present at any scene where physical force is being applied to either stop, or attempt to stop, another sworn employee when force is being inappropriately applied or is no longer required. Deadly force will not be used unless an officer reasonably believes it necessary to protect the officer or another person from immediate danger of death or serious bodily injury. [\(4.1.2\)](#) [\(6.01\)](#) [\(6.02\)](#) [\(6.03\)](#)

IV. REGULATIONS

- A. This directive is for department use only and does not apply in any external criminal or civil proceeding. The department policy should not be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to claims. Violations of this directive will form the basis for department administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

- B.** The Chief of the Bryan Police Department, by this policy, has approved sworn officers of the Department to carry and use authorized weapons in the performance of their law enforcement duties, in compliance with all applicable state/federal laws. All Officers shall demonstrate proficiency in the use of authorized weapons prior to receiving approval to carrying them. Officers are prohibited from carrying any weapons that have not been authorized by the Chief of Police. [\(1.2.2\)](#) [\(4.3.2\)](#)
- C.** It is imperative that a police officer act within the boundaries of law, professional ethics, good judgment, and accepted practices. An officer must be prepared by training, leadership, and direction to act wisely when using less lethal and lethal weapons systems in the course of official activity. For these reasons, each commissioned employee must be given a copy of this directive and trained annually in the department's policy on the use of force. Use of force and proficiency training shall be accomplished before any officer is authorized to utilize a defensive tactics technique, and/or carry any lethal or less lethal weapon system. The issuance of this policy and the use of force training provided shall be documented in the officer's training record. [\(4.3.3b\)](#) [\(4.3.4\)](#)
- D.** The amount and degree of force that may be used will depend on the surrounding circumstances. This includes but is not limited to:
1. The nature of the offense.
 2. The behavior of the subject against whom force is to be used, i.e., verbal dialogue, physical resistive actions, aggressive acts.
 3. Physical condition of the officer and the subject.
 4. The feasibility or availability of alternative actions.
- E.** Levels of Resistance. Subjects may enter the use of force continuum at any level. The subject methods are listed in ascending order from least severe to most extreme:
1. Psychological Intimidation: Nonverbal cues indicating subject's attitude, appearance, and physical readiness. (e.g. blank stare, clenched fists, tightening of muscles)
 2. Verbal Noncompliance: Verbal responses indicating unwillingness to cooperate or threats. (e.g. "I'm not going to jail!", "You can't make me!")
 3. Passive Resistance: Physical actions that do not prevent the officer's attempt of control. (e.g. dead weight, not reacting to verbal commands)
 4. Defensive Resistance: Physical actions that attempt to prevent officer's control but never attempt to harm the officer. (e.g. pushing away officer's hands, twisting away)
 5. Active Aggression: (e.g. advancing aggressively, punching, kicking, grabbing, wrestling)
 6. Deadly Force Assaults: Force used against an officer and/or another person that may result in great bodily harm or the loss of life.
- F.** Levels of Control. Officers may enter the use of force continuum at any level that represents a reasonable response to the perceived threat posed by the subject. Under normal

circumstances, only the methods listed below may be used to apply force. The methods are listed in ascending order from least severe to most extreme:

1. Officer Presence: police uniform, badge, officer's physical bearing.
 2. Verbal Direction: verbal communication skills, negotiation skills.
 3. Soft Empty Hand Control: strength techniques, joint locks, pressure points or knee strikes as a distraction technique.
 4. Hard Empty Hand Control: striking motor points with hands/feet.
 5. Intermediate Weapons: striking motor points with an expandable baton, electronic control device, extended range impact weapon, and chemical agents.
 6. Deadly Force: Firearms or other means to apply deadly force.
- G. Medical Aid:** After any use of force, in which the subject may have sustained injury, the officer using the force shall summon emergency medical aid, if necessary. [\(6.07\)](#)
1. Employees should be aware that injuries may not be readily apparent and that inquiry into the person's physical status and observation are advisable. [\(4.1.5\)](#)
 2. If a subject is rendered unconscious during any use of force, the officer will follow handcuffing procedures, monitor the airway, breathing, and circulation of the subject and summons emergency medical aid to the scene.

V. PROCEDURES

A. Less Lethal Force [\(4.1.4\)](#) [\(4.3.1a\)](#) [\(8.07\)](#)

1. Less Lethal force is authorized and may be used when a police officer reasonably believes it is immediately necessary to take physical action to:
 - a. Preserve the peace and prevent commission of offenses, suicide, or serious bodily injury;
 - b. Make lawful arrest and/or search, overcome resistance to same, and/or prevent escape from custody;
 - c. Defend the officer or another person against unlawful violence to person or property;
 - d. Prevent or interrupt an intrusion on or interference with lawful possession of property.
2. Less Lethal Qualification: Each commissioned officer, including reserve officers, must qualify at least biennially in a department-approved qualification program with a certified instructor for each less-lethal system and annually for each electronic control system they are authorized to use. Less lethal qualification training and demonstrated proficiency shall be documented in the officer's training record. Failure to demonstrate qualification standards in practical and written examinations will result in scheduling of remedial training. Refer to [General Order 03-07 \(Training Programs\)](#) for remedial training directives. [\(4.3.3a\)](#) [\(4.3.3b\)](#) [\(4.3.3c\)](#) [\(3.04\)](#)

3. **Defensive Tactics Annual Qualification:** Each commissioned officer in the rank of Lieutenant and below, including reserve officers must qualify annually in the department-approved defensive tactics program with a certified instructor. Officers are prohibited from employing defensive tactics that are not authorized by the Chief of Police. Failure to demonstrate qualification standards in practical and written examinations will result in scheduling of remedial training. Refer to [General Order 03-07 \(Training Programs\)](#) for remedial training directives.
4. **Extended Range Impact Weapons Training:** Officers authorized to deploy impact projectiles shall receive designated training and certification as required by the department and shall qualify on a biennial basis. Training in the use of ERI weapons and munitions will consist of an approved department training course provided by a certified instructor. The course shall consist of classroom instruction, weapon familiarization, and qualification firing. Failure to demonstrate qualification standards in practical and written examinations will result in scheduling of remedial training. Refer to [General Order 03-07 \(Training Programs\)](#) for remedial training directives. [\(4.3.1a\)](#)

B. Less Lethal Instruments [\(1.3.4\)](#) [\(4.3.1a\)](#) [\(8.07\)](#)

1. Officers are required to carry the expandable baton and at least one other authorized intermediate weapon on their duty belt. This does not prohibit officers from carrying more than two intermediate weapons.
2. **Oleoresin-Capsicum (OC) Spray:** Personnel certified through department-approved training and authorized to use non-deadly force are permitted to use the Department issued Defense Technology MK4 oleoresin-capsicum (OC) spray issued to them by the department as follows:
 - a. OC spray is considered an intermediate weapon control method.
 - b. Officers may use OC to stop or subdue an animal that is aggressive toward any person.
 - c. Officers may use OC against persons when an arrest must be made and the suspect has failed to comply with lesser methods of force and its use will avoid use of a more severe method of force.
 - d. Mere passive resistance (refusal to comply with verbal commands, going limp, or verbal arguments against being arrested) does not justify use of OC spray.
 - e. Those authorized to use OC spray may carry the spray issued to them while on duty. Officers may also carry their issued spray on approved off-duty jobs. On-duty plainclothes commissioned personnel are exempt from this regulation while acting in a covert capacity.
 - f. After deploying OC spray officers shall determine the physical condition of any exposed persons, render first aid when appropriate, and request emergency medical aid through Dispatch as necessary. [\(4.1.5\)](#)
3. **Expandable Baton:** The Department issued expandable baton is the ASP frictional loc baton. An officer may use the impact weapon the officer has been qualified to use to subdue a violently resisting subject or in self-defense or defense of a third party only if lesser methods have failed or if circumstances warrant the immediate use of the weapon.
 - a. An impact weapon is considered an intermediate weapon control method.

- b. Impact weapon strikes to the head, neck, throat, spine, clavicle, and groin will not be used unless Deadly Force is justified.
- c. When a person is struck by a baton the officer shall summon emergency medical aid. Officers should be aware that injuries may not be readily apparent and that inquiry into the person's physical status and observation are advisable. [\(1.3.5\)](#)

4. Taser Device: [\(4.3.1a\)](#) [\(8.07\)](#)

- a. A Taser device is considered an intermediate weapon control method.
- b. Tasers and taser cartridges are Department issued equipment and are to be employed only by designated and trained Department personnel. The Department issued Taser is the Thomas A. Swift Rifle (TASER) model X26P shaped pulse generator. Two TASER cartridges are issued with the Taser.
- c. Tasers will be carried in designated holsters in a cross draw configuration. Officers shall insure operational readiness of the Taser and have back-up cartridges available on their duty belt.
- d. Tasers may be deployed where a subject displays the intent to engage in violent, aggressive actions of assault; displays the intent to engage in suicidal behavior; or engages in active physical aggression to lawful police action.
- e. When feasible, officers deploying the Taser shall be supported by a cover officer.
- f. Deployment:

- (1) When feasible, officers will provide a verbal warning to the subject before utilizing the Taser. The warning shall be explicit.
- (2) Officers shall announce to cover officer(s) that the Taser is being deployed.
- (3) The preferred target zone of the subject is the back, lower abdomen, pelvic triangle and legs. Except in cases of deadly force, the areas that should be avoided are the head, neck, chest and groin.

g. Medical Treatment: [\(4.1.5\)](#)

- (1) When a Taser is deployed on a person, the officer shall summon emergency medical aid. Officers should be aware that injuries may not be readily apparent and that inquiry into the person's physical status and observation are advisable.
- (2) Only qualified medical personnel will remove Taser probes lodged in the subject's skin except under the following criteria:
 - (a) Officers attempting Taser probe removal must be trained in the proper method of probe removal and;
 - (b) The Taser probes must not be lodged in the face, neck, groin, genitals, female breast, or other sensitive area and;
 - (c) Probes cannot be so deeply embedded that field removal is not possible, and;
 - (d) A second officer or supervisor must observe the removal.
- (3) Following operational discharge, it is the responsibility of the deploying officer to collect the Taser probes and property index them in a suitable container. Officers will use biohazard precautions when handling Taser probes removed from a subject.

- h.** Officers discharging a Taser will notify an on-duty supervisor as soon as practicable after the discharge.
- i.** Officers authorized to deploy a Taser shall receive designated training and certification as required by this department and shall re-qualify as required.

5. Extended Range Impact (ERI) Weapons:

- a.** ERI weapons are primarily designed for use against subjects who appear to pose a threat of death or serious bodily injury to themselves or others.
- b.** ERI weapons may be discharged at a suspect as an alternative to deadly force by an officer who reasonably believes the use is necessary to defend themselves or another person from imminent serious injury or death. This may include situations where less-lethal munitions are used in an attempt to prevent suicidal subjects from harming themselves or others.
- c.** Major factors to consider when determining whether ERI weapons use is justified include, but are not limited to:
 - (1)** Seriousness of any crime committed by the individual.
 - (2)** Whether the individual is armed and, if so, the potential lethality/threat.
 - (3)** Propensity of the individual to be violent.
 - (4)** The urgency of the situation and potential impact of actions that may be committed by the suspect.
 - (5)** The ability of officers to use an ERI weapon against the suspect in accordance with policy and training.
 - (6)** The potential for collateral damage to officers, other persons, or property should the impact projectile incapacitate the suspect (e.g., the suspect is or is allegedly holding a triggering device connected to explosives or other destructive devices).
- d.** Deployment of an ERI weapon should be at the direction of a supervisor unless it is reasonably likely that failure to take immediate action would result in injury, death, or serious bodily injury.
- e.** Officers will not prolong a situation waiting for an ERI weapon if the delay will place others at risk of injury or death.
- f.** Limitations:
 - (1)** ERI weapons and munitions are not accurate, potent, or reliable enough to become a total replacement to deadly force in all situations where officers or a third person is under attack by a suspect, or otherwise defending him/herself from deadly force. ERI weapons should not be relied upon in these situations. ERI weapons are intended to disarm or disable a suspect at an opportune time, hopefully preventing the application or use of deadly force. Officers should not put themselves or innocent persons at greater risk by relying on ERI weapons in these situations.
 - (2)** In many instances, subjects do not respond, or with the desired effect when struck with ERI weapons munitions. For that reason, a cover officer should be present with the officer armed with the ERI weapons to protect the officer and others.
- g.** Deployment, Strikes, and Follow-up:

- (1) Specific deployment weapons shall be designated for deployment of impact projectiles only and shall be definitively marked.
 - (2) When possible, deploying officers should attempt to direct impact projectiles to the same target areas of the body that officers are trained to deliver impact weapon strikes to as well as the lower abdomen. Impact projectile strikes to the head, neck, throat, spine, clavicle and groin will not be used unless Deadly Force is justified.
 - (3) When possible, officers deploying ERI weapons should inform other police personnel present that impact projectiles will be deployed so that the shot will not precipitate the use of firearms by other officers.
 - (4) Suspects struck by a projectile should be restrained as necessary and transported to a medical facility for examination. [\(4.1.5\)](#)
6. Handcuffs: Officers should avoid placing individuals in handcuffs when the individual is not yet under arrest. There may be certain situations, however, where handcuffing a person who is not yet under arrest may be necessary. An officer shall be able to reasonably articulate the facts and circumstances that warrant placing a person not yet under arrest in handcuffs. If a person is placed in handcuffs and is subsequently released without arrest, a Use of Force form shall be completed. Situations that may warrant handcuffing without arrest can include:
- a. The person is being questioned about his/her involvement in a crime and appears to be a flight risk and/or appears to be destroying or about to destroy evidence (such as illegal drugs).
 - b. The person appears to be a suspect in a crime but due to their behavior (screaming, yelling, will not obey officer's commands) needs to be restrained while the crime is investigated.
 - c. Contraband or other evidence of a crime is located (after investigation an officer may elect to not arrest the person).
 - d. The person poses a threat to officers and/or civilians on scene and needs to be restrained for safety.
 - e. An officer's prior knowledge of a person (prone to violence, evading, destroying evidence)

C. Deadly Force [\(3.02\)](#)

1. Deadly Force Philosophy Statement: The use of deadly force is probably the most serious act a police officer will ever perform. Use of deadly force is contrary to the reverence for human life exhibited by police officers that often risk their lives to save others. The consequences of the use of deadly force are the most far reaching for all parties involved, even when death does not result. The physical and mental well being of police officers requires they have a firm understanding of those circumstances in which they are authorized to use deadly force.
2. Officers are authorized to use deadly force or the threat of deadly force when they reasonably believe it is necessary to protect themselves or another person from immediate danger of death or serious bodily injury. In arrest situations, deadly force is only authorized in preventing immediate escape of a suspect when the officer reasonably believes that the suspect poses an immediate threat of death or serious bodily injury to the officer or other persons. [\(4.1.2\)](#) [\(6.02\)](#)

- a. Justification for use of deadly force is limited to the facts reasonably apparent to the officer at the time the officer decides to use the force. (1.3.2)
 - b. Officers will not place themselves in a position of exposure to immediate threat of death or serious bodily injury when there are reasonable alternative actions. These include: (1.3.2)
 - (1) Available back-up officers subject to and consistent with the threat
 - (2) Suitable cover
 - (3) Securing the status quo pending additional resources and/or information
 - (4) Pre-planning response activity
 - c. When an officer should reasonably perceive that the potential exists that deadly force may be an outcome of any situation, the officer must plan ahead and use reasonable alternatives if time and opportunities permit. "Reasonable alternatives" is defined as an action that may be taken by the officer that may allow the officer to avoid the use of deadly force. The reasonableness of the action is based on the time available, the opportunity to perform the action, and the facts apparent to the officer before and during the incident. This includes the presence of innocent third persons. Planned and supervised hazardous entry situations are recognized as meeting the requirement of reasonable alternatives. (1.3.2)
 - d. Nothing in this policy should be construed as to prohibit officers from using whatever means are necessary, including use of weapons or objects not on the approved weapons list to protect the life of an officer or other person in an emergency situation. (1.3.2)
3. Limitations. The authority to use deadly force is limited as follows:
- a. Deadly force will not be used against animals unless necessary for immediate self-defense, to prevent immediate substantial harm to the officer or another, or for the purpose of euthanizing a mortally injured animal. A use of force report is not required when deadly force is applied to animals.
 - b. Officers will not fire warning shots. (4.1.3) (6.09)
 - c. Officers will not discharge a firearm at or from a moving vehicle except when the suspect is using deadly force against the officer or others by means other than the vehicle or when all other reasonable means of defense have failed. Officers will not place themselves in a position in front of an oncoming vehicle where deadly force is a likely outcome.
 - d. Officers will not discharge a firearm recklessly.
4. Drawing Firearms.
- a. Except for general maintenance, storage, or authorized training, officers will not draw or exhibit a firearm unless circumstances create reasonable cause to believe its use would be permitted under law and department regulations.
 - b. Drawing and displaying a firearm on target is considered a threat of deadly force and requires an officer to complete a use of force report.
 - c. Drawing and displaying a firearm in the low ready or sul position is not considered a use of force and does not require an officer to complete a use of force report.
5. Immediate Report to Supervisor. Officers will immediately report the use of deadly force to a supervisor.

6. Firearms Annual Qualification. Each commissioned officer, including reserve officers, must qualify at least annually in a department-approved qualification program with a certified instructor for each firearm they are authorized to use. Qualification training and demonstrated proficiency shall be documented in the officer's training record. Failure to demonstrate qualification standards in practical and written examinations will result in scheduling of remedial training. Refer to [General Order 03-07 \(Training Programs\)](#) for remedial training directives. [\(4.3.3a\)](#) [\(4.3.3b\)](#) [\(4.3.3c\)](#) [\(3.02\)](#)

D. Reporting and Reviewing Use of Force Incidents

1. When Written Report Required. Unless injury prevents it, before the end of the employee's shift, a Use of Force report will be submitted when an employee:
 - a. Takes an action that results in or is alleged to have resulted in minor injury of another person; [\(4.2.1b\)](#) [\(6.03\)](#)
 - b. Applies force through the use of:
 - (1) Empty hand control (pressure points or striking) [\(4.2.1d\)](#)
 - (2) Pointing a firearm on target at any subject [\(4.2.1c\)](#)
 - (3) Handcuffing a person who is released without arrest [\(4.2.1d\)](#)
 - (4) Chemical irritant (oleoresin-capsicum spray, CS or CN gas) [\(4.2.1c\)](#)
 - (5) Impact weapon [\(4.2.1c\)](#)
 - (6) Electronic control device [\(4.2.1c\)](#)
 - (7) Extended range impact weapon (ERI weapon) [\(4.2.1c\)](#)
 - (8) Discharge of a firearm in the performance of police duties. This action also requires the completion of a firearms discharge report. (Discharging a firearm for any act other than training/recreational purposes requires the completion of a Firearms Discharge Report) [\(4.2.1a\)](#) [\(6.06\)](#)
 - (9) Diversionary device [\(4.2.1d\)](#)
 - c. Actions that result in major injury or death of another person will be investigated by the Professional Standards Division, which will also complete the Use of Force report. [\(4.2.1b\)](#) [\(6.03\)](#)
2. Incidents Involving More than One Officer. A "Use of Force Report" form can document uses of force by up to three officers or against up to three subjects. Involvement of more employees or subjects requires additional forms. Completion of the form on any dispatched call is the responsibility of the primary dispatched officer. In any other event, the first officer who uses force is responsible for completing the form. Each employee is responsible for ensuring that their use of force has been correctly documented on a form. Each should complete their own narrative supplement to any arrest or offense report, or an incident report to describe their actions.
3. Routing and Review. [\(4.2.2\)](#) [\(6.03\)](#)
 - a. The "Use of Force Report" and any related reports will be routed through the chain of command to the Bureau Commander.
 - b. Chain of command review is intended to determine whether policy, training, equipment, and/or discipline issues need to be addressed.

- c. If, during the chain of command review, it is determined that improper procedure or error occurred, appropriate action will be initiated.
- d. After review, the Report and any related reports will be forwarded to the Professional Standards Division.
- e. The Professional Standards Division will conduct and forward to the Chief of Police an annual analysis of Use of Force Reports for indications of patterns or trends that could indicate training needs, equipment upgrades, and/or policy revisions. [\(4.2.4\)](#)

E. Investigating Use of Force Incidents

1. No Firearms and No Serious Injury. If firearms were not involved and injuries sustained were not serious, the use of force will be reported and reviewed through the chain of command.
2. Firearms or Serious Bodily Injury or Death. The following procedures will be followed after every incident of firearms discharge (other than training or recreation) by an officer and after every use of force that results or is likely to result in serious bodily injury or death of a person.
 - a. Involved Employee immediate activities. The involved employee will:
 - (1) Determine the physical condition of any injured person, render first aid when appropriate, notify Dispatch Services of the incident and location and request necessary emergency medical aid. [\(4.1.5\)](#)
 - (2) Unless removed from the scene for medical treatment, remain at the scene until the on-duty shift commander arrives. If involved officer's presence might cause a more hazardous situation to develop (violent crowd, for example) the ranking officer at the scene may instruct the officer to respond to a more appropriate location before the shift commander arrives.
 - (3) If applicable protect any weapon used, for examination.
 - b. Preliminary Field Investigation. The on-scene supervisor will:
 - (1) Secure the scene and conduct a preliminary field investigation.
 - (2) Dispatch Services will notify investigative and administrative personnel and, if applicable, an attorney specified by the officer and as directed by the on-scene supervisor.
 - c. Reports. Involved officers will prepare written reports of the incident in a timely manner as directed by supervisors.
3. Administrative and Criminal Investigations in Cases of Serious Bodily Injury or Death. In cases of serious bodily injury or death or the likelihood of same, administrative and criminal investigations will be conducted, as follows:
 - a. Investigative personnel will be called to the scene.
 - (1) Administrative Investigation. Internal investigators will be shown the scene and advised of the results of the preliminary investigation.
 - (2) Criminal Investigation. Traffic Section (in the case of a motor vehicle accident or pursuit involving a police employee acting in the scope of employment) or Major

Crimes Unit Investigators (in the case of a shooting or other exercise of official authority by a police employee) will conduct a thorough field investigation, collecting all evidence and interviewing all witnesses as would be done in any case that did not involve a police employee. In the case of a shooting, this shall include examining the weapon(s) (including secondary weapons and any weapons in police vehicles) of all officers present at the time any shots were fired, seizing weapon(s) that may have been fired; and seizing samples of spent ammunition. In addition, investigators shall secure audio recordings of all police radio traffic and print-outs of all MDC transactions relating to the incident.

- b.** A criminal investigation takes priority over an administrative one.

F. Follow-Up Procedures to Incidents

- 1. Mandatory Administrative Leave.** Anytime an officer's actions or use of force causes the death or serious physical injury of an individual, that employee shall be reassigned and relieved of any line-duty assignment, or placed on Administrative Leave with pay pending an administrative review of the incident. This action is to allow the employee time to adjust to the psychological effects of the incident and in no way implies any wrong-doing on the part of the employee. An officer on administrative leave must remain available at all times for official department interviews and statements regarding the incident. While on leave and after return to duty, the officer will not discuss the incident with anyone except assigned investigators, private attorney, psychologist, chosen clergy, or spouse. (Officers should note that immediate family members, other than the spouse, are not subject to the confidential communications privilege.) [\(4.2.3\)](#) [\(6.08\)](#)
 - a.** As soon as possible, but no later than five days after the incident, the officer will be sent to a department-furnished psychologist. The purpose of the consultation is to allow the officer to express feelings and to deal with the moral, ethical, and/or psychological after effects of the incident. It also allows the psychologist to have input into the assessment of the officer's fitness to return to duty.
 - b.** The consultation with the psychologist will not be related to any department investigation of the incident. Nothing discussed in the consultation, except as it relates to the officer's fitness for duty, will be reported to the department. The consultation session will remain protected by the privileged Professional Psychologist Code of Ethics.
 - c.** The mandatory administrative leave may be extended for a period of time deemed appropriate by the Assistant Chief of the involved employee's Bureau or, in the Assistant Chief's absence, another Assistant Chief, with the input of the officer and psychologist.
 - d.** When use of force has resulted in death, no officer will be returned to regular duty until an administrative review by the Assistant Chief of the officer's Bureau has been completed and forwarded to the Police Chief for inclusion in the Professional Standards file.
 - (1)** The purpose of this review is to determine if it would be in the best interest of the department to return the officer to regular duty or to reassign the officer to other duties pending completion of the full investigation into the incident.
 - (2)** The review must be in writing and indicate the specific findings and reasons for returning the officer to regular duty or reassigning the officer.

- (3) In the case of reassignment, the written report will include either a proposed date of return or a specific date by which the incident will again be reviewed for return to duty determination.
2. Discretionary Administrative Leave. An immediate supervisor has discretion to place an officer on administrative leave with pay for the officer's next regular tour of duty for exercise of use of force that results in less than serious bodily injury.

Upon enactment, this directive will rescind and supersede any and all previous directives pertaining to this subject.